



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

24Z00052

Aubri Williamson

RU-1-9 (Single-family residential) to RU-2-10 (Medium-Density Multiple-Family)

Tax Account Number: 2743715
Parcel I.D.s: 27-38-31-EW-F-7.06
Location: 125 Franklyn Ave Indialantic FL 32903; Southeast corner of Franklyn Ave at Palm Ave (District 5)
Acreage: 0.17 acres

Planning & Zoning Board: 06/16/2025

Board of County Commissioners: 07/17/2025

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	RU-1-9	RU-2-10
Potential*	1 Single-Family Unit	2 Multi-Family Units
Can be Considered under the Future Land Use Map	YES RES 15	YES RES 15

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

Background and Purpose of Request

The applicant is requesting a change of zoning classification from RU-1-9 (Single-Family Residential) to RU-2-10 (Multi-Family Residential) to utilize the single-family dwelling as a short-term rental and to have a zoning more consistent with the majority of properties on the south side of Franklyn Ave. This rezoning action would increase the number of potential residential lots from 1 to 2 units upon the 0.17-acre parcel. This parcel has road frontage along the northern access (Franklyn Avenue).

RU-2-10 classification medium-density multiple-family residential zoning classification encompasses' lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-10 permits multiple-family residential development or single-family residences at a density of up to 10 units. Resort dwellings are a permitted use.

The subject is improved with a single-family home built in 1952. At the time it was constructed, it met all of the setback requirements for RU-1-9 zoning. When the application for rezoning was submitted, it became evident that the structure does not meet setback requirements for RU-2-10. Due to this, the applicant applied for a Variance to the front and rear setbacks, which was approved April 16th, 2025.

The current RU-1-9 zoning was approved by the Board under Zoning action **Z-4090** adopted July 15, 1976. The request RU-1-11 to RU-2-10 was denied, RU-1-11 to RU-1-9 was approved.

Similarly, approximately 200 feet to the east along the southern side of Franklyn Ave was a request to rezone RU-1-11 to RU-2-10. Zoning action 21Z00033 was approved by the Board on 01/27/2022 with a BDP stimulating the “Developer/owner agrees not to use the Property for resort dwelling purposes and, therefore, such use is prohibited.”

The subject property was platted as part of the North Indialantic by the Sea subdivision recorded in Plat Book 9, Page 70 on September 5, 1947. The subject site was split from the original Lot 7 to its current configuration in October 1976. At that time, the subject property complied with the RU-1-11 zoning criteria and was not a nonconforming lot.

There are currently no open Code Enforcement cases or violations noted on the property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Daycare Facility	RU-2-10	RES 15
South	Single-family residence	RU-1-9	RES 15
East	Duplex	RU-2-10	RES 15
West across R/W	Single-Family residence	RU-1-11	RES 15

The property to the north is a 0.34-acre lot improved with a day care center built in 1983; zoned RU-2-10.

South is 0.17-acre parcel developed with a single-family home built in 1982; zoned RU-1-9.

East of the subject property is a duplex on .17 acres; zoned RU-2-10 and across Palm Avenue, is a single-family home built on a 0.35-acre lot built in 1971; zoned RU-1-11.

West across Franklyn Ave is a single-family residence with RU-1-11 zoning.

All of the properties described have RES 15 FLU designation.

RU-1-9 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

RU-1-11 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture

RU-2-10 classification medium-density multiple-family residential zoning classification encompass' lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-10 permits multiple-family residential development or single-family residences at a density of up to 10 units per acre on minimum lot sizes of 7,500 square feet.

Future Land Use

The subject property is currently designated on the FLUM as RES 15. Both the current RU-1-9 and the proposed RU-2-10 zoning classifications can be considered consistent with RES 15.

Applicable Land Use Policies

FLUE Policy 1.4 – The Residential 15 Future Land Use designation affords the second highest density allowance, permitting a maximum residential density of up to fifteen (15) units per acre. This land use category allows single and multi-family residential development. Effectively, RU-2-10 would limit the density to ten (10) units per acre.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

The requested RU-2-10 zoning would allow for one single-family house or if redeveloped two (2) units maximum due to lot size. The Board should consider whether the permitted resort dwellings would have a potential impact on the surrounding residential area. Development would need to meet Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272 for hours of operations, lighting, odor, noise levels, traffic, or site activity.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Master Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

There are three (3) FLUM designations within a half-mile radius of the subject property. They include RES 15, Community Commercial (CC), and Neighborhood Commercial (NC). The subject property is surrounded Res 15 and is the predominant FLU designation. The existing commercial development is along Highway A1A.

Within the past three years, there have been no FLUM changes within the defined radius.

2. actual development over the immediately preceding three years; and

Staff analysis has determined there has been no actual development within the preceding three years within 500 ft of the subject property.

3. development approved within three years but not yet constructed.

1. **21Z00033; January 27, 2022, RU-1-11 to RU-2-12 approved with a Binding Development Plan stipulating no short-term rentals, and a duplex type development with entries on the front and rear road frontages.**
2. **22Z00046; November 3, 2022, is a rezoning action from BU-1-A to RU-2-12, Approved.**
3. **22Z00067; April 6, 2023 is a rezoning RU-1-11 to RU-2-12 Denied. Existing single family residence.**

Neither item 1 or 2 has been improved to date.

D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

No material violation of relevant policies of the Comprehensive Plan has been identified.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time

of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The proposed change would have minimal impact on the overall character of the area. The request, if approved, would generate almost no change (0.01%)

B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

The subject property is in an existing residential neighborhood that is near the beaches. There are clearly established roads and residential lot boundaries.

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

There is no neighborhood commercial use in the general vicinity.

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

The area is primarily residential as there are no commercial, industrial or other non-residential uses in the immediate one block radius around this site.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway A-1-A between Highway 192 and Paradise Blvd. which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 51.11% of capacity daily. The maximum development potential from the proposed rezoning decreases the percentage of MAV utilization by 0.01%. The corridor is anticipated to operate at 51.10% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

For Board Consideration

The Board may wish to consider whether the proposed request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary**

Item No. 24Z00052

Applicant: Aubri Williamson (Owner: Aubri Williamson)

Zoning Request: RU-1-9 to RU-2-10

Note: wants to have short term rentals

Zoning Hearing: 11/18/2024; **BCC Hearing:** 12/12/2024

Tax ID No.: 2743715

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species

Land Use Comments:

Aquifer Recharge Soils

The entire property contains Canaveral-Palm Beach-Urban land complex, classified as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the

development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Indian River Lagoon Nitrogen Reduction Septic Overlay

The entire property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Land Clearing and Landscape Requirements

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) tree preservation. Land clearing is not permitted without prior authorization by NRM. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Protected Species

Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.